

J. Woodcock

CA: 04-11781

MANDATE

**United States Court of Appeals
For the First Circuit**

No. 07-1807

LOI TAN NGUYEN,
Plaintiff, Appellant,
v.
NMT MEDICAL, INC.,
Defendant, Appellee.

Before

Boudin, Chief Judge,
Torruella and Lynch, Circuit Judges.

JUDGMENT

Entered: December 27, 2007

Appellant Loi Tan Nguyen seeks review of the district court's order granting summary judgment for his former employer, appellee NMT Medical, Inc. ("NMT"), dismissing his claims of race and national origin discrimination and harassment, as well as invasion of privacy, against the company. Viewing the record in the light most favorable to appellant as the non-moving party, we have conducted the required de novo review, Noviello v. City of Boston, 398 F.3d 76, 84 (1st Cir. 1985), and conclude that the dismissal was proper, essentially for the reasons stated by the district court.

The district court did not abuse its discretion in declining to appoint counsel in this matter. Gadson v. Concord Hosp., 966 F.2d 32, 35 (1st Cir. 1992) (citing Darden v. Illinois Bell Telephone Co., 797 F.2d 497, 500-01 (7th Cir. 1986), and Gonzalez v. Carlin, 907 F.2d 573, 580 (5th Cir. 1990)). Finally, appellant admits that there is no evidence that NMT violated his right to privacy.

The judgment of the district court is **affirmed**.

By the Court:

Richard Cushing Donovan, Clerk.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: JAN 17 2008

By: _____
Appeals Attorney.

[cc: Mr. Nguyen, Ms. Clinton, Ms. Schneider and Ms. Mitrou]